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ABSTRACT

Guidelines are presented to ensure the equality of athletic programs for males and females in the Washington state schools. This guide is designed as a foundation for the development of local school and district athletic programs. The essential components for athletic program equality in Washington are: (1) athletic equity plan development; (2) approval of the plan; (3) implementation of the plan; (4) a support system; (5) administrative responsibility and support; (6) a professional athletic staff; (7) opportunities for professional development, including inservice training on equity issues; and (8) accurate ongoing evaluation. Attached are excerpts from pertinent Washington state laws and regulations that prohibit discrimination and describe measures for its elimination. A guide for the analysis of equal opportunity factors in grades 7 through 12 is included that mandates selection of balanced sports offerings, the provision of comparable equipment, and equal opportunities for practice, coaching, and academic tutoring. Another attachment discusses differences between Washington state regulations and Federal Title IX. Washington does not define contact sports, and clearly states that all activities must be offered to all students without respect to sex. Some sample inservice programs for teacher and coach awareness are described, and a survey is presented to survey the recreational and school activities of each school. (SLD)

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Athletic Equity

GUIDELINES

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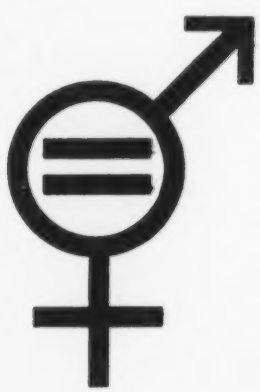

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Cover Logo Design Created By
David Q. Hershey
Puget Sound High School Senior
OSPI Co-op Student, 1992

Athletic Equity Guidelines

JUDITH A. BILLINGS
Superintendent of Public Instruction

CAROL GREGORY
Policy Director
Equity and Community Relations

ALFRED R. RASP, JR.
Director
Assessment and Integrated Curriculum

DARCY M. LEES
Program Supervisor
Office for Equity Education

JEFF CARPENTER
Program Supervisor
Chapter 2 Health/Physical Education

This material available in
alternative format upon request.

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MESSAGE FROM THE SUPERINTENDENT OF PUBLIC INSTRUCTION

As our society moves toward the twenty-first century, participation in sports continues to play a major role in the lives of practically everyone: the players, coaches, officials, and spectators. Through successful participation in sports, children and adults gain personal satisfaction and enjoyment from their involvement. It is therefore incumbent upon our schools, dedicated to education of the whole child, to provide equal access to and benefits from all sports programs. To this end, the Office of Superintendent of Public Instruction has continued to take a leadership role through providing both technical assistance and resources to school district and community members alike.

The implementation of the plan to revise the 1986 Guidelines for the Development of Athletic Equity resulted from the direct involvement of respected athletic personnel from throughout the state. I wish to express my personal thanks to all those involved, including Mr. Jeff Carpenter, Program Supervisor of Chapter 2, Health/Physical Education, and Ms. Darcy Lees, Program Supervisor, Office for Equity Education, for their work in developing material that is relevant for today and will lead toward the achievement of total equity for all students.

It is my sincere hope that school districts throughout our state will find this publication helpful as they strive to achieve quality programs for all students.

PURPOSE

This guide is designed to be used as a foundation for the development of local school and school district athletic programs. In order to make effective use of this material it is suggested that close attention be given to the statements dealing with administrative responsibility and support, staffing, professional development and evaluation.

It is critical that all school personnel and community members understand the true nature and purpose of interscholastic athletics as it relates to the developmental patterns of children and the general philosophy of education.

Representative Involvement

The use of this guide by schools and school districts in developing quality interscholastic athletic programs necessitates a reflection of local needs. This process should be one of cooperation involving representative staff from all grade levels along with interested administrators and community members.

It should be noted that throughout this process the goals, objectives and legal obligations of the school district and its personnel must be met. As with all cooperative efforts between school and community, it is the school that carries the responsibilities related to students.

ESSENTIAL COMPONENTS FOR ATHLETIC PROGRAMS

A. Athletic Equity Plan Development

It is important that a plan be designed and implemented by each district offering boys' and girls' sports programs to regularly monitor and maintain equality. The design of this plan should be developed by a committee composed of those responsible for the sports programs such as the principal, district building and/or athletic directors. Other members should include the administrator in charge of secondary education, parent or community representatives from each school and RCW 28A.640/Title IX compliance officer and associated student body (ASB) representatives.

The committee will review sports budgets, sports offerings, and other appropriate items. As mandated every three years (WAC 392-190-040), a student interest survey will be administered by each school district at all grade levels where interscholastic, intramural and other sports and activities are conducted. Results from the survey can help determine offerings within each school district based on student interest.

Every effort should be made to meet the interests of all students. However, the ability to fulfill those interests based on budgets and facilities must also be taken into account. Administrative convenience is not sufficient cause to offer an inequitable program. With valid circumstance to not establish comparable activities, a plan may need to be established to provide the budget and/or facilities in the near future if a current inequity between genders exists.

B. Approval of the Plan

Once the committee has surveyed the student body, taken into account all extenuating circumstances and presented the plan to the public, a presentation of the plan should be made to the school district Board of Directors for final approval. After final approval, the committee should continue to meet on a regular basis in order to provide for revisions and to monitor implementation.

C. Implementation of the Plan

Each district should designate an individual who will be in charge of implementing their sports equity program. This individual might be the RCW 28A.640/Title IX compliance officer or the assistant superintendent of secondary schools. It will be the responsibility of this individual to evaluate, based on the "Equal Opportunity Factors for Consideration," the district's sports equity program and present the results to the Board of Directors at the end of each sports season.

D. Support System

To maintain a quality sports program, it is essential that each district have total commitment from all personnel within the district including the Board of Directors. Care should be exercised by the administration, counselors and teachers to support all sports programs for boys and girls.

The public relations agent and local news media can also be a strong contributing force of support for sports programs. It is important that information of availability of sports offered be passed on to students from elementary to middle/junior high level and from middle/junior high level to high school through assemblies, printed brochures and other orientation materials.

Counselors play a critical role in both program and regulatory activities. WAC 392-190-015 mandates that:

> "All certificated and classroom personnel shall encourage students to explore and develop their individual interests in career and vocational technical and employment opportunities without regard to sex."

A coordinated effort to support all students in fulfilling their expressed interests in sports participation is mandated by state legislation. Counselors can play a key role in the provision of a quality athletic program for both girls and boys.

E. Administrative Responsibility and Support

It is the expressed responsibility of all athletic, school and district level administrators to provide and monitor interscholastic athletic programs designed to safely meet the expressed needs of all students and comply with all state and federal regulations.

In order to accomplish these objectives, adequate professional staff, facilities and equipment must be provided and maintained to meet the needs of all participants.

Attention must also be given to the leadership and guidance given to staff and the community relating to the development and maintenance of quality programs conducted within the philosophy of the public educational system.

The following delineations indicate the possible lines of communication within various school districts designed to effectively manage quality athletic programs.

1. Superintendent
   District Athletic Director
   Principal
   School Athletic Coordinator
   Coaching Staff

2. Superintendent
   District Administrator (non-athletic director)
   Principal – Coaching Staff

3. Superintendent
   Principal
   School Athletic Director
   Coaching Staff

4. Superintendent
   Principal
   Coaching Staff

F. A Professional Athletic Staff

A professional athletic staff member must have the qualifications expected of all educators committed to excellence in education. Staff members involved in the interscholastic athletic program should possess a sound knowledge of human growth and development, skill development and progression, safety procedures, and legal responsibilities.

In the event that a particular gender is underrepresented in the coaching staff of a building or school district, the administration should make efforts to affirmatively address the underrepresentation.

G. Opportunities for Professional Development

Need for Inservice Training

Each district offering girls' and boys' competitive sports should provide inservice workshops regarding sports equity. Districts should also make available staff development funds for their teachers who are engaged in coaching. This will encourage coaches to stay abreast of current information relevant to their particular sport(s). It is paramount that all coaches know and understand the meaning of gender equity in sports in order to perpetuate the quality of sports in secondary schools.

The district RCW 28A.640/Title IX compliance officer is also responsible for fulfilling WAC 392-190-020 which mandates:

> "Each school district should include sex bias awareness and sex bias elimination training sessions in such in-service training programs as are conducted or provided for certificated and/or classroom personnel (sample in-service agendas are included in this resource)."

H. Accurate Ongoing Evaluation

Each district offering boys' and girls' competitive sports should plan a pre- and post-evaluation conference with the head coach of each sport. In order to perpetuate quality athletics, it is essential to formally evaluate each sport following its completion.

Pre-Season Conference

During the pre-season conference, a meeting with the head coach should be scheduled to discuss such items as job expectations, rules and regulations, coaches' conduct, budget, gender equity, schedules, equipment, procedures, etc. Regular visitations to practices and contests should be planned by the evaluator to maintain a quality program and keep the communication line open.

Post-Season Conference

For the post-season conference, an open dialogue should occur to evaluate the season, discuss pros and cons of the season, and begin preparation for the next year's program. Care should be made at this time to inventory equipment and determine what must be ordered now to be ready for next year's season.

CHAPTER 28A.640 RCW
SEXUAL EQUALITY

Sections

28A.640.010 Purpose--Discrimination prohibited.
28A.640.020 Regulations, guidelines to eliminate discrimination--Scope.
28A.640.030 Administration.
28A.640.040 Civil relief for violations.
28A.640.050 Enforcement--Superintendent's order scope.
28A.640.900 Chapter supplementary.

NOTES: Discrimination -- Separation of sexes in dormitories, residence halls, etc.: RCW 49.60.222.

RCW 28A.640.010 Purpose--Discrimination prohibited. Inequality in the educational opportunities afforded women and girls at all levels of the public schools in Washington state is a breach of Article XXXI, section 1, Amendment 61, of the Washington state Constitution, requiring equal treatment of all citizens regardless of sex. This violation of rights has had a deleterious effect on the individuals affected and on society. Recognizing the benefit to our state and nation of equal educational opportunities for all students, discrimination on the basis of sex for any student in grades K-12 of the Washington public schools is prohibited. [1975 1st ex.s. c 226 § 1. Formerly RCW 28A.85.010.]

NOTES: Severability--1975 1st ex.s. c 226: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975 1st ex.s. c 226 § 8.]

RCW 28A.640.020 Regulations, guidelines to eliminate discrimination--Scope.

*** CHANGE IN 1994 *** (USE 1994 SESSION LAWS)

The superintendent of public instruction shall develop regulations and guidelines to eliminate sex discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

(1) Specifically with respect to public school employment, all schools shall be required to:

(a) Maintain credential requirements for all personnel without regard to sex;

(b) Make no differentiation in pay scale on the basis of sex;

(c) Assign school duties without regard to sex except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed.

(d) Provide the same opportunities for advancement to males and females; and

(e) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of, or pay for, instructional and noninstructional duties, on the basis of sex.

(2) Specifically with respect to counseling and guidance services for students, they shall be made available to all students equally. All certificated personnel shall be required to stress access to all career and vocational opportunities to students without regard to sex.

(3) Specifically with respect to recreational and athletic activities, they shall be offered to all students without regard to sex. Schools may provide separate teams for each sex. Schools which provide the following shall do so with no disparities based on sex: Equipment and supplies; medical care; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; laundry services; assignment of game officials; opportunities for competition, publicity and awards; scheduling of games and practice times including use of courts, gyms, and pools: PROVIDED, That such scheduling of games and practice times shall be determined by local administrative authorities after consideration of the public and student interest in attending and participating in various recreational and athletic activities. Each school which provides showers, toilets, or training room facilities for athletic purposes shall provide comparable facilities for both sexes. Such facilities may be provided either as separate facilities or shall be scheduled and used separately by each sex.

The superintendent of public instruction shall also be required to develop a student survey to distribute every three years to each local school district in the state to determine student interest for male/female participation in specific sports.

(4) Specifically with respect to course offerings, all classes shall be required to be available to all students without regard to sex: PROVIDED, That separation is permitted within any class during sessions on sex education or gym classes.

(5) Specifically with respect to textbooks and instructional materials, which shall also include, but not be limited to, reference books and audio-visual materials, they shall be required to adhere to the guidelines developed by the superintendent of public instruction to implement the intent of this chapter: PROVIDED, That this subsection shall not be construed to prohibit the introduction of material deemed appropriate by the instructor for educational purposes. [1975 1st ex.s. c 226 § 2. Formerly RCW 28A.85.020.]

NOTES: Severability--1975 1st ex.s. c 226: See note following RCW 28A.640.010.

RCW 28A.640.030 Administration. The office of the superintendent of public instruction shall be required to monitor the compliance by local school districts with this chapter, shall establish a compliance timetable and regulations for enforcement of this chapter, and shall establish guidelines for affirmative action programs to be adopted by all school districts. [1975 1st ex.s. c 226 § 3. Formerly RCW 28A.85.030.]

NOTES: Severability--1975 1st ex.s. c 226: **See note following RCW 28A.640.010.**

RCW 28A.640.040 Civil relief for violations. Any person aggrieved by a violation of this chapter, or aggrieved by the violation of any regulation or guideline adopted hereunder, shall have a right of action in superior court for civil damages and such equitable relief as the court shall determine. [1975 1st ex.s. c 226 § 4. Formerly RCW 28A.85.040.]

NOTES: Severability--1975 1st ex.s. c 226: See note following RCW 28A.640.010.

RCW 28A.640.050 Enforcement--Superintendent's orders, scope. The superintendent of public instruction shall have the power to enforce and obtain compliance with the provisions of this chapter and the regulations and guidelines adopted pursuant thereto by appropriate order made pursuant to chapter 34.05 RCW, which order, by way of illustration, may include, the termination of all or part of state apportionment or categorical moneys to the offending school district, the termination of specified programs in which violations may be flagrant within the offending school district, the institution of a mandatory affirmative action program within the offending school district, and the placement of the offending school district on probation with appropriate sanctions until compliance is achieved. [1975 1st ex.s. c 226 § 5. Formerly RCW 28A.85.050.]

NOTES: Severability--1975 1st ex.s. c 226: See note following RCW 28A.640.010.

RCW 28A.640.900 Chapter supplementary. This chapter shall be supplementary to, and shall not supersede, existing law and procedures and future amendments thereto relating to unlawful discrimination based on sex. [1975 1st ex.s. c 226 § 6. Formerly RCW 28A.85.900.]

NOTES: Severability--1975 1st ex.s. c 226: See note following RCW 28A.640.010.

CHAPTER 392-190 WAC
EQUAL EDUCATIONAL OPPORTUNITY -- SEX DISCRIMINATION PROHIBITED

WAC 392-190-025 Recreational and athletic activities--Equal opportunity--Separate teams. (1) No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, club or intramural athletics or recreational activity offered by a school district, and no school district shall provide any such athletics or recreational activity separately on such basis. Sports teams and programs offered by a school district shall, regardless of their nature, be equally open to participation by qualified members of both sexes: *Provided,* That in the case of sports and recreational activities offered for students in grades 7 through 12, a school district may maintain separate teams for members of each sex if (a) it can clearly be shown, under the factual circumstances involved in the particular case, that the maintenance of separate teams for boys and girls truly constitutes the best method of providing both sexes, as a whole, with an equal opportunity to participate in the sports or games of their choice and (b) at the same time, a test of substantial equality between the two programs can be found to have been met.

(2) For the purpose of this section and WAC 392-190-050(2) "substantial equality" shall be determined by considering factors including but not limited to the following:

(a) The relationship between the skill and compensation of coaching staffs;

(b) The size of their budgets;

(c) The quality of competition and game schedules;

(d) Uniforms;

(e) Equipment and facilities; and

(f) Sufficient numbers of participants to warrant separate teams. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-025, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-025, filed 5/17/76.]

WAC 392-190-030 General--Recreational and athletic activities--Equal opportunity factors considered. Each school district shall evaluate its recreational and athletic program at least once each year to ensure that equal opportunities are available to members of both sexes with respect to interscholastic, club or intramural athletics which are operated, sponsored, or otherwise provided by the school district.

In determining whether equal opportunities are available to members of both sexes with respect to interscholastic, club or intramural athletics, each school district conducting an evaluation required by this section, and the office of superintendent of public instruction upon receipt of a complaint pursuant to WAC 392-190-075, shall conside: several factors, including but not limited to the following where provided by a school district:

(1) Whether the selection of sports and levels of competition effectively accommodates the interests and abilities of members of both sexes;

(2) The provision of equipment and supplies;

(3) The scheduling of games and practice times including the use of playfields, courts, gyms, and pools;

(4) Transportation and per diem allowances, if any;

(5) The opportunity to receive coaching and academic tutoring;

(6) The assignment and compensation of coaches, tutors, and game officials;

(7) The provision of medical and training facilities and services including the availability of insurance;

(8) The provision of housing, laundry, and dining facilities and services, if any; and

(9) Publicity and awards.

Unequal aggregate expenditures within a school district for members of each sex or unequal expenditures for separate male and female teams will not alone constitute noncompliance with this chapter, but the failure to provide the necessary funds for recreational and athletic activities for members of one sex may be considered in assessing the equality of opportunity for members of each sex. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-030, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-030, filed 5/17/76.]

WAC 392-190-035 Recreational and athletic activities--Compliance timetable--Elementary and secondary level. (1) Each school district which operates, sponsors, or otherwise provides interscholastic, club or intramural athletics at the elementary school level (K-6) shall provide equal opportunity and encouragement for physical and skill development to all students in the elementary grades consistent with this chapter.

(2) Each school district which operates, sponsors, or otherwise provides interscholastic, club or intramural athletics at the secondary school level (7-12) shall provide equal opportunity and encouragement for physical and skill development to all students in the secondary grades consistent with this chapter. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-035, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-035, filed 7/9/80; Order 6-76, § 392-190-035, filed 5/17/76.]

WAC 392-190-040 Recreational and athletic activities--Student interest--Required survey instrument. (1) The superintendent of public instruction shall develop a survey instrument to assist each school district in the determination of student interest for male/female participation in specific sports.

(2) A survey instrument shall be administered by each school district at all grade levels where interscholastic, intramural and other sports and recreational activities are conducted. The results of the survey shall be considered in the program planning and development in the area of recreational and athletic activities offered within the school district.

(3) A survey instrument developed pursuant to this section shall be administered at least once every three years within each school district: *Provided,*

That the content of the survey instrument may be modified or amended as deemed appropriate to clarify and assist in the evaluation of student interest. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-040, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-040, filed 7/9/80; Order 6-76, § 392-190-040, filed 5/17/76.]

WAC 392-190-045 Recreational and athletic activities--Facilities. A school district which provides athletic facilities for members of one sex including showers, toilets, and training room facilities for athletic purposes shall provide comparable facilities for members of the opposite sex: *Provided*, That such facilities may be provided as either separate facilities or shall be scheduled and used separately by members of each sex: *Provided*, That this section shall not be interpreted to require the construction of additional facilities. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-045, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-045, filed 7/9/80; Order 6-76, § 392-190-045, filed 5/17/76.]

CHAPTER 392-200 WAC
SCHOOL PERSONNEL--EMPLOYMENT DISCRIMINATION

WAC 392-200-010 Public school employment and contract practices--Sex discrimination. (1) No school district shall, on the basis of sex, exclude any person from participation in, deny any person the benefits of, or subject any person to discrimination in employment, recruitment, promotion or advancement, consideration or selection therefor, whether full time or part time, in connection with employment by a school district.

(2) Each school district shall make all employment decisions in a nondiscriminatory manner and shall not limit, segregate, or classify any person in any way which could adversely affect a person's employment opportunities or status on the basis of sex.

(3) No school district shall enter into any contractual or other relationship that directly or indirectly has the effect of subjecting any person to discrimination in connection with employment on the basis of sex, including but not limited to relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees.

(4) No school district shall grant preferences to applicants for employment on the basis of attendance at any educational institution or entity which admits as students only or predominantly members of one sex, if the giving of such preferences has the effect of discriminating on the basis of sex. [Order 6-76, § 392-200-010, filed 5/17/76.]

WAC 392-200-015 Public school employment--Affirmative action program. (1) Each school district shall develop and/or incorporate within any existing affirmative action employment program appropriate provisions which are consistent with the intent of chapter 28A.640 RCW and such guidelines as are hereafter developed and distributed to each school district by the office of superintendent of public instruction to eliminate discrimination on the basis of sex, in connection with employment by the school district: *Provided,* That each school district's affirmative action employment program shall include at least the following provisions respecting discrimination on the basis of sex.

(a) Maintain credential requirements for all personnel;

(b) Make no differentiation in pay scale;

(c) Make no differentiation in the assignment of school duties except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed;

(d) Provide the same opportunities for advancement;

(e) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment and assignment of, or pay for, instructional and noninstructional duties; and

(f) Such other provisions as may be required by the superintendent of public instruction designed to facilitate the effective achievement of all reasonable affirmative action goals and objectives in public school employment respecting the elimination of discrimination on the basis of sex.

(2) Each affirmative action employment program of a school district shall be filed with the office of the superintendent of public instruction.

(3) The board of directors of each school district shall adopt and implement an approved affirmative action employment program required by this section as expeditiously as possible but in no event later than July 1, 1976. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-200-015, filed 7/19/90, effective 8/19/90; Order 6-76, § 392-200-015, filed 5/17/76.]

ANALYSIS OF EQUAL OPPORTUNITY FACTORS CONSIDERED

In determining whether equal opportunities are available to members of both sexes with respect to interscholastic, club or intramural programs in grades 7-12, each school district shall consider several factors, including but not limited to the following.

The format used to present the factors of consideration is outlined by an analysis and frequently asked questions for each of the nine factors stated in WAC 392-190-030.

1. SELECTION OF SPORTS OFFERINGS

Analysis: Care must be taken by each district offering boy's and girl's competitive sports to equally balance their offerings for each sex. Information gained from the student sports survey (WAC 392-190-040) should be used as a guide in determining interests of student athletes with relationship to sports offerings (see Appendix A).

Questions: DO SCHOOLS/DISTRICTS HAVE TO OFFER ACTIVITIES BASED ON THE RESULTS OF THE REQUIRED STUDENT INTEREST SURVEY?
Yes. Care must be taken to meet the needs of local populations based on the student interest survey. While recognizing that not all activities receiving high ratings can be offered as interscholastic sports, consideration must be given to alternative methods of meeting student interests (e.g., club or recreational offerings).

CAN A SPORT BE ELIMINATED DUE TO LACK OF INTEREST AND NOT BE REPLACED?
This would be dependent on other offerings. If a co-ed activity is eliminated it would not have to be replaced. However, if an activity for boys/girls is eliminated, in order to maintain an equitable program for both genders, strong consideration must be given to replacing it with another activity which demonstrates high interest.

MUST THERE BE AN EXACT EQUAL NUMBER OF OFFERINGS FOR BOYS AND GIRLS?
Blair vs. WSU indicated that the offering of activities could be based on a percentage of total ELIGIBLE enrollment. Therefore, if the total enrollment was 55 percent girls and 45 percent boys there could be 10 percent more position offerings for girls than boys.

CAN CHEERLEADING/DRILL TEAM COUNT AS AN ATHLETIC ACTIVITY?
Yes. However, since these activities are required by Title IX to be offered on a co-ed basis, the effect on the number of single sex offerings is not affected. In addition, the list of comparable factors (i.e., competition schedule, budgets, uniforms, etc.) would need to be met.

2. PROVISION OF EQUIPMENT AND SUPPLIES

Analysis: Care must be taken by each district offering boys' and girls' competitive sports to regularly monitor budgets and sport-by-sport allocations. This monitoring should be done through coordinated efforts of the district RCW 28A.640 compliance officer, principal, athletic director and ASB officers.

This regular monitoring will help to maintain an equal distribution of athletic funds from the ASB and, if any, district allocation. **Funds raised to purchase equipment or supplies for one sport by participants, fund raising or boosters must be distributed on an equitable basis to all sports based on ASB procedures. They cannot be designated by the providers for any single activity.** Amounts will vary from sport to sport depending largely on the number of athletes participating and the amount of equipment required for safe participation. Safety and quality of equipment should always be paramount when purchasing.

ANY MONEYS, EQUIPMENT OR SUPPLIES PROVIDED BY THE BOOSTER OR PARENT GROUPS TO ASSIST WITH ATHLETIC PROGRAMS MUST BE MADE AVAILABLE TO ALL SPORTS ON AN EQUITABLE BASIS. THEY CANNOT BE DESIGNATED BY THE PROVIDERS FOR ANY SINGLE ACTIVITY. THE SCHOOL AND SCHOOL DISTRICT CARRY A HEAVY BURDEN TO ASSURE THAT ALL RESOURCES ARE DISTRIBUTED ON AN EQUITABLE BASIS.

Questions: IF NEW EQUIPMENT IS PURCHASED FOR ONE ACTIVITY, MUST IT BE PURCHASED FOR ALL ACTIVITIES?
Yes and no. Purchase of equipment should be done on a rotational basis with each team submitting long-term requests. This requires a plan to be developed at the local level. If one team was continually receiving new equipment while others were having to make do, a problem would exist. Further, if in like sports something is provided one team it should be provided the other team (i.e., warm-ups, safety helmets, etc.).

IF SAFETY EQUIPMENT, REQUIRED OR OPTIONAL, IS PROVIDED FOR ONE TEAM MUST IT BE PROVIDED FOR ALL?
Yes. The safety of students, regardless of sex or activity, must always be the prime concern of the program.

CAN INDIVIDUAL COACHES PURCHASE SPECIALIZED EQUIPMENT?
It is the district's responsibility to assess the need for any and all equipment and to maintain equitable purchase and distribution regardless of the requests of individual coaches.

3. SCHEDULING OF GAMES AND PRACTICE TIMES

Analysis: In basketball, all teams should have equal practice and game times and equal access to the use of courts on a rotating basis. Games for both sexes should be scheduled on prime evenings as well. This could be on alternate weeks (boys Tuesday through Friday, girls Monday through Thursday, vice versa) or both scheduled on the same evening at the same site.

The monitoring of game schedules and practices should be done on a sport-by-sport basis for each of the sports seasons.

Questions: IF ONE TEAM GOES ON AN OUT-OF-STATE TRIP OR TO A SPECIAL CONTEST, DO OTHERS HAVE TO BE FUNDED IF AN OPPORTUNITY EXISTS?
Yes. The district should establish a policy regarding travel to activities of this nature that assures equal opportunity for such activities for students of both sexes.

IF ONE COACH WANTS TO GO TO A SPECIAL CONTEST AND OTHERS DO NOT CHOOSE THIS OPTION, CAN THE ONE TEAM PARTICIPATE?
The determination of what contest to participate in does not rest in the hands of individual coaches. Determination of participation is the sole responsibility of the school district which must consider all factors including equal opportunities to participate regardless of sex or team ability.

IF A PROGRAM IS OFFERED FOR ONE SEX, DURING A SCHOOL BREAK OR ONE COACH WANTS HIS/HER TEAM TO PARTICIPATE, MUST OPPORTUNITIES FOR BOTH SEXES BE ARRANGED?
Yes. Any time a school district is involved in providing activity programs they must be available without regard to sex.

4. TRANSPORTATION AND PER DIEM ALLOWANCES

Analysis: Care must be taken by each district offering competitive sports for boys and girls to monitor the miles traveled and expenses incurred by each sport. If allowances are given for meals and lodging, then the same amounts should be provided for both boys and girls.

This budget should be monitored through the coordinated efforts of the athletic director, ASB officers, principal, and the district RCW 28A.640 compliance officer.

Example:
1) All teams transported via school bus.
2) A $16 per diem food allowance for all students.*
3) Overnight housing provided based on double/triple occupancy in facility designated by district office.

* Should only be given if students cannot return to school safely during the same day of contest.

5. OPPORTUNITY TO RECEIVE COACHING AND ACADEMIC TUTORING

Analysis: Care must be taken by each district offering competitive sports for both boys and girls to provide the best qualified coaches possible. It is recommended that coaches be qualified and employed in the building at which they are coaching. If this is not possible, then careful screening measures, including screening under the code for professional conduct regulations, should be taken to make sure outside coaches qualify and offer the best coaching to both boys and girls.

Any moneys provided by booster or parent groups to assist with payment of coaches should automatically be turned over to the building ASB and monitored by school personnel. These funds must be distributed through regular ASB procedures with equal access by all sports programs. Volunteer coaches are considered in the number of coaches counted per sport.

6. ASSIGNMENT AND COMPENSATION OF COACHES

Analysis: Care should be taken by all districts offering competitive sports for boys and girls to equalize the coaches stipend. (Example: boys and girls basketball, tennis, swimming, track and field, etc.) This can be set up by a committee of coaches and administrators, negotiated with the local bargaining group and presented to the Board of Directors for approval.

A review of the hiring and assignment of coaches should be made if there appears to be a gender imbalance in the coaching staff. A plan to encourage the participation, recruitment and hiring of the under-represented gender in coaching should be designed.

Questions: SHOULD THE PAY FOR COACHES OF BOYS AND GIRLS ACTIVITIES BE EQUAL?

Yes. Based on a per sport formula (e.g., boys and girls varsity basketball), the coach should be on an equal schedule. Baseball and softball should also be equal.

7. PROVISION OF MEDICAL ASSISTANCE AND TRAINING

Analysis: Care should be taken by all districts offering competitive sports for boys and girls to provide equal training supplies and facilities. This may call for reconstruction in order to provide equally for both sexes. The sharing of one facility may be possible or use of the training room could be rotated so it is shared equally.

The same can be said in furnishing complete first aid and/or training kits for every sport. Each kit must contain supplies necessary to provide the essential care needed for all possible emergencies. It is important that quality equipment for emergencies be available and that emergency services be as close as a phone call. If medical services, volunteer or otherwise, are provided for one sport, so should they be for all sports.

8. HOUSING, LAUNDRY SERVICES AND DINING

Analysis: Care should be taken by all districts offering competitive sports for boys and girls to provide equal accommodations during post-season playoffs for any contests that would call for overnight lodging. If meal and lodging allocations are to be given, the same amount should be given to all athletes.

Example: If laundry service is provided for one sport, either boys or girls, it must be provided for all.

Basketball = all boys and girls game uniforms are laundered.

Football = all practice and game uniforms are laundered.

Volleyball = all practice and game uniforms are laundered.

9. PUBLICITY AND AWARDS

Analysis: Award procedures should be determined allowing for each athlete to receive recognition based on objective criteria(i.e., girls basketball to be same requirements as boys basketball).

For assemblies and seasonal and post-season recognition programs, there should be equal time given for both boys and girls sports.

District staff and athletic directors should report and work with local district and school media groups to assure equitable coverage of girls and boys athletic events.

ANALYSIS OF DIFFERENCES BETWEEN FEDERAL TITLE IX AND WASHINGTON STATE REGULATIONS

Equal opportunity in athletics is a major substantive provision in both the federal Title IX regulations and Chapter 28A.640 RCW. It is the basic responsibility of educational institutions to provide equal opportunity to both girls and boys interested in participating in the athletics program of the school district.

One of the major differences between the federal and state mandates is in reference to participation in contact sports. The federal legislation defines contact sports as football, basketball, boxing, wrestling, rugby, ice hockey and any other sport which involves bodily contact; Title IX allows for ". . . separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport." However, where a recipient operates or sponsors a team in a particular sport for members of one sex, but operates or sponsors no such team for members of the other sex, and opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport.

Our state law does not define contact sports and clearly states in Section 2 (3), specifically with respect to recreational and athletic activities, they shall be offered to all students without regard to sex. The implementing regulations provide that separate teams may be maintained for students in grades 7-12 if (a) it can clearly be shown under the factual circumstances involved in the particular case, that the maintenance of separate teams for boys and girls truly constitutes the best method of providing both sexes, as a whole, with an equal opportunity to participate in the sports or games of their choice, and (b) at the same time, a test of substantial equity between two programs can be found to have been met.

(2) For the purpose of this section and WAC 392-190-050(2) substantial equity shall be determined by considering factors including, but not limited to, the following:

(a) The relationship between the skill and compensation of the coaching staff,
(b) The size of their budgets,
(c) The quality of competition and game schedules,
(d) Uniforms,
(e) Equipment and facilities, and
(f) Sufficient numbers of participants to warrant separate teams.

Another difference in the federal and state regulations relates to the survey of student interests in athletic activities. The federal Title IX requires the development of a plan to accommodate effectively the interests and abilities of both sexes. This plan must have been fully implemented as expeditiously as possible, and in no event later than July 21, 1978. Our state regulation (WAC 392-190-040) requires that a student interest survey be conducted once every three years. This survey must be

administered at least once every three years thereafter within each district to all grade levels where interscholastic, intramural and other sports and recreational activities are conducted. (A form is included in the Appendix.)

Both the federal and state regulations require equal opportunity in athletic programs for girls and boys. Self-evaluation and the development of a total equitable athletic program are emphasized. All of the athletic opportunities and actual practice of the total district athletic program should be scrutinized. Equal opportunity emphasis in implementing regulations stresses the totality of the athletic program. Educators have the responsibility to carry out the mandates of the federal and state regulations. Since Washington State has passed the Equal Rights Amendment in our Constitution, state regulations and constitutional factors may override the regulations of the federal Title IX. In addition, Title IX may override RCW 28A.640, whichever is more restrictive.

Middle School Issues:

In view of the growing number of middle schools in our state, staff are reminded that grades 7 and 8 are considered as secondary school level. (WAC 392-190-025 and WAC 392-190-035).

According to WAC 392-190-025, separate teams for students in grades 7-12 may be offered to students if that truly constitutes the best method for both girls and boys and if substantial equality is met. Considering factors for substantial equality of these separate teams, include, but are not limited to these six factors:

(a) The relationship between the skill and compensation of the coaching staffs,
(b) The size of their budgets,
(c) The quality of competition and game schedules,
(d) Uniforms,
(e) Equipment and facilities, and
(f) Sufficient number of participants to warrant separate teams.

SAMPLE INSERVICE PROGRAMS

A. Need for Continuous Inservice

Comprehensive inservice programs should be funded through staff development for all personnel, including coaches. An effective means for schools and school districts to upgrade the quality of athletic programs is to support the involvement of coaches in the activities of various professional organizations. Districts should encourage coaches to attend conferences/meetings through the provision of release time and funding.

Schools and school districts should also provide for regular internal inservice training and support in athletics. These efforts could be most effective using a cooperative approach with several schools or districts working together. In light of the current under representation of females in coaching, an affirmative action that could be made by districts would be a training program aimed at increasing the number of female coaches for sports for boys and girls.

The following outlines are designed to provide examples for the planning of inservice programs. As previously mentioned, inservice of the athletic staff should be an ongoing process. Though the basic format may remain the same, each inservice opportunity must represent a portion of a planned progression of activities designed to implement and maintain equity in athletic programs.

B. Inservice Plan (One Hour) Equity in Sports*

(Sample)

Any Auditorium	3:30 - 4:30 p.m.
Introduction (10 minutes)	RCW 28A.640/Title IX Compliance Officer
Title IX/RCW 28A.640/WAC 392-190/ Compliance Background (10 minutes)	Speaker
WAC Regulations Related to Sports (10 minutes)	Speaker
District Plan and Implementation (20 minutes)	District Administrator
Discussion/Summary (10 minutes)	RCW 28A.640/Title IX Compliance Officer

*Goal: All sports programs and related staff will reflect:
1) awareness of compliance with Title IX/RCW 28A.640/WAC 392-190
2) sex-fair opportunities and choices
3) expanded techniques allowing for greater sports participation

C. Inservice Plan (All Day) for Initial Discussion on Equity in Boy's and Girl's Sports*

(Sample)

Any Auditorium	8:30 a.m. - 3:30 p.m.
Registration/coffee	8:30 a.m.
Introduction - Local Administrator	9 a.m.
Title IX/RCW 28A.640/WAC 392-190 - Background Guest Speaker	9:15 - 10 a.m.
Break/refreshments	10:00 a.m.
Explanation of Work Groups	11:30 a.m.- Noon
Lunch Break (on own)	Noon - 1 p.m.
Work Groups on Individual District Sports Equity Programs	1:15 - 3 p.m.

Work Groups = (1) Development and Implementation of Specific District Plan
(2) Support Systems to Maintain Sports Equity
(3) Evaluation and Internal Monitoring Procedures

Group Reports/Summary	3:00 - 3:30 p.m.

*Goal: All sports programs and related staff will reflect:
1) awareness of compliance with Title IX/RCW 28A.640/WAC 392-190
2) fair opportunities and choices
3) expanded techniques for greater sports participation

D. Inservice Plan (All Day) Follow up on Sports Equity

(Sample)

Registration	8:30 a.m.
Introduction	9 a.m.
Review of District RCW/WAC Implementation Guest Speaker	9:15 - 10 a.m.
Break	10 - 10:20 a.m.
Group Discussion on Implementation Problems Groups composed of cross-district and grade representation	10:20 - 11:15 a.m.
Group Summary Reports	11:15 p.m. - Noon
Lunch	Noon - 1 p.m.
Group Summary Presentations	1 - 2 p.m.
Open Group Discussion on Future Programs	2 - 3 p.m.
Summary	3 - 3:30 p.m.

E. Additional Interest Topics for Inservice Training Sessions

- Assessing local needs, setting goals and planning for gender-fair education
- Evaluating progress in gender-fair education
- Building awareness of gender equity laws
- Identifying and compensating for bias in instructional materials
- Implementing quality co-ed physical education programs
- Providing gender-fair opportunities in intramural/interscholastic athletics
- Facilitating gender-fair student/teacher interactions
- Overcoming math and science anxiety
- Generating community involvement and advocacy
- Clarifying values on gender-fair education
- Eliminating discrimination in school employment practices
- Recruiting women and men for employment in positions in which they are under represented
- Identifying resources to assist in the attainment of sex equity
- Using counseling and guidance materials and techniques that do not discriminate on the basis of sex
- Providing information on RCW 28A.640/Title IX legislation and other anti-discrimination laws
- Assisting in gender-fair curriculum development
- Providing gender-fair opportunities for participation in school clubs and other school-related activities
- Providing gender-fair publicity, assemblies and awards

APPENDIX

RECREATIONAL AND SCHOOL ACTIVITIES SURVEY

The following survey presents a whole range of activity programs that might be offered at your school, including: physical education classes, intramural sports, interscholastic sports, and extracurricular clubs. The extent of actual offerings depends on student interest, school district financial resources, facilities, and the availability of school personnel for supervision.

This is your chance to help with decisions about what activities should be offered in the future.

DIRECTIONS

Write in the name of your SCHOOL. On the lines marked GRADE and SEX, please print your grade and sex.

On the line reading ETHNICITY write from the list below the appropriate word.

Asian/Pacific Islander American
African American
Hispanic American
Native American/Native Alaskan
European American
Multiracial American

If you have any comments, please write them on the back of your answer sheet.

DO NOT TURN THE PAGE UNTIL INSTRUCTED!

School _____ Grade _____
Sex _____ Ethnicity _____

PART I **PHYSICAL EDUCATION ACTIVITIES ARE ACTIVITIES OFFERED AS PART OF THE DAILY PHYSICAL EDUCATION PROGRAM.**

For each of the following physical education activities, please indicate how interested you would be in participating.

A - One of my favorite activities
B - Not one of my favorites, but okay
C - One of my least favorite activities

		A	B	C
1.	Aerobics			
2.	Aquatics/Swimming			
3.	Archery			
4.	Basketball			
5.	Bowling			
6.	Circus Acts (e.g., juggling, balancing, unicycling)			
7.	Conditioning/Weight Control (e.g., jogging, weight training, nutrition)			
8.	Crew (rowing)			
9.	Cross Country			
10.	Cycling			
11.	Dance (e.g., aerobics, folk, social, ethnic, street dancing)			
12.	Disc Sports (e.g., frisbee golf, ultimate frisbee)			
13.	Fencing			
14.	Field Hockey			
15.	Floor Hockey			
16.	Football (flag or touch)			
17.	Golf			
18.	Gymnastics (e.g., tumbling, apparatus)			
19.	Hacky Sack			
20.	Handball			
21.	Jump Rope (e.g., tumbling, apparatus)			
22.	Racket Sports (e.g., table tennis, badminton, pickleball, tennis)			
23.	Roller-Skating			
24.	Self-Defense			
25.	Soccer			
26.	Softball			
27.	Track and Field			
28.	Volleyball			
29.	Water Polo			
30.	Wrestling			
31.	Other (Please write on the back of your answer sheet.)			

PART II **INTRAMURAL ACTIVITIES ARE INFORMALLY ORGANIZED ACTIVITIES THAT MAY OCCUR BEFORE OR AFTER SCHOOL AND DO NOT INVOLVE COMPETING WITH OTHER SCHOOLS.**

For each of the following intramural activities, please indicate how interested you would be in participating.

A - I would really like to participate
B - I might like to participate
C - I would not participate

		A	B	C
32.	Aerobics			
33.	Aquatics/Swimming			
34.	Archery			
35.	Basketball			
36.	Bowling			
37.	Circus Acts (e.g., juggling, balancing, unicycling)			
38.	Conditioning/Weight Control (e.g., jogging, weight training, nutrition)			
39.	Crew (rowing)			
40.	Cross Country			
41.	Cycling			
42.	Dance (e.g., aerobic, folk, social, ethnic, street dancing)			
43.	Disc Sports (e.g., frisbee golf, ultimate frisbee)			
44.	Fencing			
45.	Field Hockey			
46.	Floor Hockey			
47.	Football (flag or touch)			
48.	Golf			
49.	Gymnastics (e.g., tumbling, apparatus)			
50.	Hacky Sack			
51.	Handball			
52.	Jump Rope (e.g., tumbling, apparatus)			
53.	Racket Sports (e.g., table tennis, badminton, pickleball, tennis)			
54.	Roller-Skating			
55.	Self-Defense			
56.	Soccer			
57.	Softball			
58.	Track and Field			
59.	Volleyball			
60.	Water Polo			
61.	Wrestling			
62.	Other (Please write on the back of your answer sheet.)			

PART III **CLUB ACTIVITIES ARE ORGANIZED ACTIVITIES THAT MAY OCCUR BEFORE OR AFTER SCHOOL AND MAY OR MAY NOT INVOLVE COMPETING WITH OTHER SCHOOLS.**

For each of the following club activities, please indicate how interested you would be in participating.

A - I would really like to participate
B - I might like to participate
C - I would not participate

		A	B	C
63.	Academic Decathlon			
64.	Amnesty International			
65.	Band			
66.	Business Leaders			
67.	Chess Club			
68.	Cheerleaders			
69.	Computer Club			
70.	Debate			
71.	DECA			
72.	Drama			
73.	FFA/FHA			
74.	Foreign Language Club			
75.	Honor Society			
76.	International Club			
77.	Journalism/Newspaper			
78.	Key Club			
79.	Knowledge Bowl			
80.	Letter Club			
81.	Orchestra			
82.	Pep Club			
83.	Pep Band			
84.	Push Excel			
85.	Running Club			
86.	Vocal Music			
87.	Yearbook			
88.	Other (Please write on the back of your answer sheet.)			

PART IV INTERSCHOLASTIC SPORTS INVOLVE DAILY PRACTICES AND WEEKLY GAMES OR MEETS WITH OTHER SCHOOLS DURING THE SEASON.

IN THIS SECTION THE DIRECTIONS ARE A LITTLE DIFFERENT. Mark your answers on this sheet.

Read through this list and identify **no more than four (4)** activities that you might like to participate in on an interscholastic basis. Circle the "A" next to those activities. You should have marked four (4) or fewer "As."

For those items for which you did not circle "A," circle:
"B" if you might be interested, and
"C" if you are not interested.

Now, carefully transfer your responses to your answer sheet. Begin with number 101 on your answer sheet. Between items 101 and 130 you should have marked "A" four or fewer times.

89. A B C Archery
90. A B C Badminton
91. A B C Baseball
92. A B C Basketball
93. A B C Lifting Weights
94. A B C Crew (rowing)
95. A B C Cross Country
96. A B C Cycling
97. A B C Fencing
98. A B C Field Hockey
99. A B C Floor Hockey
100. A B C Football (flag or touch)
101. A B C Football (tackle)
102. A B C Golf
103. A B C Gymnastics
104. A B C Handball
105. A B C LaCrosse
106. A B C Pickleball
107. A B C Table Tennis
108. A B C Tennis
109. A B C Roller-Skating
110. A B C Self-Defense
111. A B C Soccer
112. A B C Softball (if you mark "A" be sure to go to questions 1 and 2 below)
113. A B C Swimming
114. A B C Track and Field
115. A B C Volleyball
116. A B C Water Polo
117. A B C Wrestling
118. A B C Other_____

If you marked softball with an "A," please answer questions 1 and 2.

1. Have you ever participated in high school interscholastic softball?

   A. No
   B. Yes

2. Would you rather play fastpitch or slowpitch softball?

   A. Slowpitch
   B. Fastpitch

JUDITH A. BILLINGS
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
OLD CAPITOL BUILDING, PO BOX 47200
OLYMPIA WA 98504-7200

ES/003/94